

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

| | | |
|---------------------------------|---|---------------------------------|
| Midland Funding LLC, |) | CASE NO.: |
| |) | |
| Plaintiff, |) | JUDGE: |
| |) | |
| vs. |) | |
| |) | |
| Andrea Brent, |) | <u>NOTICE OF REMOVAL</u> |
| |) | |
| Defendant, |) | |
| |) | |
| vs. |) | |
| |) | |
| Midland Credit Management, Inc. |) | |
| |) | |
| Third-Party Defendant |) | |
| |) | |

NOTICE OF REMOVAL

To the honorable judges of the United States District Court for the Northern District of Ohio, Western Division:

Removing parties, Midland Credit Management, Inc., with the consent of plaintiff Midland Funding, LLC, by and through the undersigned attorney, respectfully shows this Court:

1. Midland Credit Management, Inc. is a named third-party defendant in a third party complaint, and was not the original plaintiff to the action. Midland Funding LLC is the plaintiff that commenced this action against the original defendant, and is the named defendant in a counterclaim.

2. On April 17, 2008, the above-entitled action was commenced by counter-defendant Midland Funding LLC against counter-plaintiff in the Sandusky Municipal Court in Erie County, Ohio and is now pending therein.

3. On May 19, 2008, the defendant filed her answer, counterclaim against counter-defendant Midland Funding LLC, and her third-party complaint against third-party defendant Midland Credit Management, Inc., which was not a party to the original action.

4. On or about May 23, 2008, removing party Midland Credit Management, Inc. was served with a summons and a third-party complaint via its statutory agent Robin R. Pruitt at 8875 Aero Drive, Suite 200, San Diego, CA 92123, by certified mail.

5. Counter-Defendant Midland Funding, LLC and third-party defendant Midland Credit Management, Inc. have filed a joint motion for an extension of time in the action. No further proceedings have been had herein in the Sandusky Municipal Court.

6. Counter-Plaintiff's complaint purports to set forth a cause of action on two counts, including one under the Fair Debt Collection Practices Act, 15 U.S.C. §1692a et seq.

7. This Court has original jurisdiction of the above-entitled actions pursuant to 28 U.S.C. §1331, 28 U.S.C. §1337, and *Habermel v. Mong*, 31 F.2d 822, 67 A.L.R. 216 (6th Cir. 1929); and the action may therefore be removed to this Court pursuant to 28 U.S.C. §1441.

8. Copies of all state court process, pleadings, or orders served on removing parties in the above-entitled action are attached hereto as Exhibit A.

9. This notice is filed with this Court within 30 days after receipt of service on removing party of the summons and third-party complaint in the above-entitled action.

10. Plaintiff/ counter-defendant Midland Funding, LLC has consented to the removal of this action to the United States District Court for the Northern District of Ohio, and hereby joins in the within notice of removal. A copy of that consent is attached hereto as Exhibit B.

WHEREFORE, removing party prays that the above-entitled action be removed from the Sandusky Municipal Court to this Court.

Respectfully Submitted:

/s/ R. Glenn Knirsch
R. Glenn Knirsch, SCR#0080770
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Attorney for Third-Party Defendant,
Midland Credit Management, Inc.

PROOF OF SERVICE

A true, authentic and accurate copy of the foregoing was sent via U.S. Mail, postage prepaid, on June 13, 2008, to:

Dennis Murray
Donna Evans
Murray and Murray Co., L.P.A.
111 E. Shoreline Drive
Sandusky, OH 44870

/s/ R. Glenn Knirsch
R. Glenn Knirsch, SCR#0080770